

REMARKS

By this submission amendments are submitted for entry for previously pending claims 15 and 16, and claims 1-6, 9, 13-14 and 20-21 remain canceled without prejudice as to their reintroduction in this or another application claiming priority from this application. Accordingly, claims 7, 8, 10-12 and 15-19 remain pending. No new matter is introduced by the submitted amendments.

This is a first reply to the action, and this reply is filed within two months from the mailing date of the final action. As such, issuance of an Advisory Action is in order.

It is requested in view of now submitted claim amendments, and the following discussions that all rejections reported in the outstanding Office action be reconsidered and not repeated in any further action issued for this application.

Claim Rejections – 35 USC §112

Claims 15-19 are reported rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which applicant regards as the invention.

Amendments for claims 15 and 16 to clarify recited subject matter are submitted to address and overcome the rejections. Entry of the amendments is requested. Such entry, if submitted, is authorized by at least 37 CFR §1.116(b)(1) that permits entry of amendments to have claims comply “with any requirement of form expressly set forth in a previous Office action.” Such requirement is understood as being set out in the final action at section 6 where it is directed that “[t]hese claims may be allowable if rewritten to overcome the rejection(s) under 35 USC §112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims and if a catheter handle, a catheter, and a device are positively recited as structural parts of the invention.”

It is noted first with respect to structural recitations as directed above for a “catheter handle, a catheter, and a device [e.g., a cutting wire]” that at least the following is disclosed in the original filed specification.

Handle 66, secured to the cutting wire at 80 but rotatable relative to the shaft of the catheter at 81, provides a mechanism to rotate the wire, transmitting the force to rotate the device tip. With the handle rotating independently of the shaft at the proximal end, the force can be applied directly to the distal tip without twisting the entire shaft. Also a rotation lock to maintain the orientation of the tip and/or a rotation marking, to indicate the amount of rotation may be included. An integrated molded luer port assembly for 2 and 3 lumen catheters may be provided to snap into the rotatable handle, to facilitate fast and economical manufacturing, as shown in Figs. 1 and 1a. (Original Specification, para. 67)

These disclosures including reference to the cited figures, it is submitted address issues asserted in the action with respect to the 35 USC §112, second paragraph, reported bases for the rejections; namely.

With respect to base claim 15: It is not certain how a rotatable coupling, a part of the catheter handle, is “between said catheter handle and a catheter” (i.e., how is the catheter handle located between itself and a catheter?). Also, it is not certain whether the catheter handle includes a catheter and a device extending through a lumen of the catheter and affixed to a distal end of the catheter (a handle clamping member is only said to be “configured to engage” the device, where the device and catheter are not positively recited to be a structural part of the invention). Also with respect to claim 16, “the connection” lacks antecedent basis. (Office action, section 3)

Amendments for claims 15 and 16 now are submitted that are consistent with this record. Specifically, amendments are submitted for claim 15 to recite:

a rotatable coupling connecting said catheter handle to a proximal end of a catheter, said rotatable coupling configured to allow free rotation of the proximal end of a said catheter with respect to said catheter handle;

a handle clamping member disposed on said catheter handle and configured to affix a proximal end of a device to said catheter handle, said device extending through a lumen formed in said catheter to a distal end of said catheter where said device is affixed to said catheter....

With respect to claim 16, amendments are submitted to recite:

said device comprises a cutting wire extending from said handle clamping member where said cutting wire is affixed to said catheter handle and said cutting wire also extending to a connection at a distal end of said catheter where said cutting wire is affixed.

These amendments, it is submitted clarify previously recited subject matter, do not introduce new matter, nor do they alter scope of covered subject matter, and they conform limitations to be consistent with directions set out in the outstanding action. Accordingly, it is requested that these amendments be entered.

It further is submitted that entry of the amendments will overcome the reported 35 USC §112, second paragraph rejections.

Conclusion

Claims 7, 8 and 10-12 are reported allowed, and as discussed above entry of now submitted amendments for claims 15 and 16 will bring all of claims 15-19 to be in condition for allowance. Should the Examiner have any questions, requests or suggestions, he is invited to contact the undersigned attorney at the telephone number set out below.

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Respectfully submitted,

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